

JUL 14 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

DORA ALICIA GUERRERO MORA;
MAXIMO MORA REYES,

Petitioners,

v.

JOHN ASHCROFT, Attorney General,

Respondent.

No. 02-70291

INS A75-656-491
A75-656-492

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 8, 2003**
Pasadena, California

Before: **KOZINSKI, FERNANDEZ** and **RYMER**, Circuit Judges.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Under 8 U.S.C. § 1252(a)(2)(B)(i), we do not have jurisdiction to review the BIA's denial of applications for cancellation of removal unless the petitioner asserts a colorable constitutional claim. Torres-Aguilar v. INS, 246 F.3d 1267, 1270-71 (9th Cir. 2001). We have repeatedly warned that "a petitioner may not create the jurisdiction that Congress chose to remove simply by cloaking an abuse of discretion argument in constitutional garb." Id. at 1271. Because the Moras' due process claim does just that, we dismiss for lack of jurisdiction.

PETITION DISMISSED.